

# NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE

OPDV Bulletin/Winter 2010

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For information on stalking, visit [www.opdv.state.ny.us/professionals/criminal\\_justice/stalking.html](http://www.opdv.state.ny.us/professionals/criminal_justice/stalking.html)

## The Use of Technology in Stalking

The incredible advances in technology in recent years have enabled us to be more connected to people and places than ever before. E-mail, texting, social networking, GPS, and other common technologies have become tools that many of us rely on heavily in our daily lives. For some people, however, these technologies have been used against them. They have been used to track people without their knowledge, to monitor what they do on their computer, and to impersonate them on-line. These people are victims of stalking through the use of technology, sometimes called "cyberstalking". As technology continues to grow and improve, so does stalkers' ability to terrorize their victims.

Because technology is constantly evolving, it can be difficult to stay well informed about what tools stalkers are using and what to do to protect yourself. The [National Network to End Domestic Violence \(NNEDV\)](#) has a program specifically to address technology issues and intimate partner violence called Safety Net: Safe and Strategic Technology Project.

See page 3 for Questions and Answers on the use of technology in stalking.

## Did you know...

A new section of the NYS Comptroller's *Your Money New York* website provides financial information and resources specifically for women and their families, offering information on issues like financial education, job readiness and pay equity, women and children's programs, and small business resources. Go to [www.yourmoneynewyork.com/helpresource/families/women.php](http://www.yourmoneynewyork.com/helpresource/families/women.php)

## From the Executive Director



Happy New Year!

I am pleased to reiterate a development that Deputy Secretary Denise O'Donnell announced last November. New York State has dedicated federal Recovery Act funds toward the creation of a statewide Domestic Incident Report (DIR) repository, which should be operational in a little over a year. When responding to domestic violence calls, police are often unaware that other police agencies have responded before to the same household. The new system will provide historical information about police involvement, allowing officers to make more informed primary aggressor analyses; consider stalking charges; and be as prepared as possible when arriving at the scene, protecting officers and victims.

This system will provide officers with what is in essence a history of risk assessments. As Dr. O'Sullivan describes in her article within, individual risk assessment is still an uncertain field, but many risk-related questions such as history of domestic violence, violations of court orders, and threats to kill, are contained in the DIR. The new system will enhance the utility of this vital document.

Finally, thanks to all who participated in the statewide "Shine the Light" domestic violence public awareness campaign last October. The effort was recognized by the National Domestic Violence Hotline as one of the three most inspirational campaigns of 2009. Enjoy the images highlighted in this issue and thank you for making New York shine!

Amy Barasch  
Executive Director

# No Crystal Ball: Predicting Reabuse and Murder of Intimate Partners

[Chris S. O'Sullivan, Ph.D](#)

Judges, police, victim advocates and others who deal with cases of intimate partner violence live with the fear that they will miss signs of extreme danger and a case they have a role in will end in tragedy. They hope for a risk assessment instrument that will allow them to try to prevent such dire outcomes. This article will consider what we know, what we can't know, and whether risk assessment instruments can help.

## WHAT WE KNOW

Past behavior is the best predictor of future behavior. Roughly 30% of men arrested for a domestic violence offense will be rearrested for the same offense within a few years; 60% will reoffend within nine years.<sup>1</sup> An abuser's criminal history is highly predictive of repeat abuse. Younger men are more likely to reoffend. Those who have more to lose – employment, marriage, home ownership, social status – are more likely to desist to avoid consequences such as rearrest, job loss or divorce.<sup>2</sup> (But there have to be consequences to achieve this effect.)

Some characteristics distinguish cases in which men have murdered their intimate partners from those in which they have inflicted non-lethal abuse: job loss increased the probability that an abuser murdered his partner by a factor of four; access to a gun increased it by a factor of five; and having used a gun against the victim increased the probability of lethal assault 41 times.<sup>3</sup> Note that some men with none of these characteristics have murdered their partners; others *with* these characteristics have not.

## WHAT WE CAN'T KNOW

There are inherent limitations on our ability to predict – and therefore prevent – bad outcomes. Actions taken by the victim and the criminal justice system may disrupt the potential for re-assault, making predictions less accurate. Similarly, a change in an offender's circumstances (a new job; learning that his ex-partner is engaged; experiencing combat; drug rehabilitation) may increase or decrease his motivation and capacity to inflict abuse, especially potentially lethal assault. Our predictions are situation-specific and short-lived.

Intimate partner homicides are particularly difficult to predict because murders, though too common, are statistically rare. Rare events are unpredictable. Richard Gelles points out that there are 1,200 intimate partner femicides in the US annually out of about 90,000,000 heterosexual couples; murder is always unlikely.<sup>4</sup> We can project that if a man is unemployed, has previously abused his partner and threatened her with a gun, he is more likely to kill his partner than anyone else, but it does not mean that he *will*. Gelles notes that analysis of past cases provides explanation, not prediction. Only hindsight is 20:20.

## CAN RISK ASSESSMENT INSTRUMENTS HELP US?

Some instruments are more accurate than victims' predictions. The Danger Assessment (DA), designed for use with victims to predict lethality, and the Ontario Domestic Abuse Risk Assessment (ODARA), designed for use by law enforcement to predict reoffending, have achieved 70% accuracy in predicting severe reassaults and new offenses, respectively.<sup>5,6</sup> They err on the side of caution; in at least 40% of cases categorized as high risk, the offender did not reassault his partner. Victims, conversely, are more likely to underestimate risk.

Whether and how instruments should be used depends on the context and purpose of the assessment. The DA might be used by victim advocates to train staff, help clients assess their safety, and communicate with police and prosecutors. The ODARA might be more useful in criminal justice settings because it relies on information on the offender's criminal history. It is questionable whether courts should rely on instruments that cast too wide a net.

## REDUCING RISK

There is no infallible method of prediction. Still, there are many reliable indicators that suggest preventive measures. When possible, domestic violence offenders should be required to surrender firearms. Decisions about prosecution, pretrial release and sentencing should take into account an offender's criminal history, including drug and property crimes. Courts should impose the maximum penalty available and enforce court orders. Such an approach does not require risk assessment and has been found to decrease revictimization.<sup>7</sup> Arrest for a domestic violence offense has even been associated with a decreased likelihood of homicide. Risk assessment instruments may be helpful but not necessary to gathering relevant information. The key lies in the response.

1 Klein, A. R. (2009). Practical Implications of Domestic Violence Research: For Law Enforcement, Prosecutors and Judges. NCJ22572. US DOJ, NIJ.

2 Feder, L., & Forde, D. R. (2000). A test of the efficacy of court-mandated counseling for domestic violence offenders: The Broward Experiment. NIJ-96-WT-NX-0008. Washington, DC: NIJ.

3 Campbell, J., D. Webster, J. Koziol-McLain, C. Block, D. Campbell, M. Curry, F. Gary, J. McFarlane, C. Sachs, P. Sharps, Y. Ulrich, and S. Wilt. "Assessing Risk Factors for Intimate Partner Homicide." NIJ Journal 250 (November 2003): 14-19, NCJ 196547. <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=196547>

4 Men who Murder their Families: NIJ-Sponsored Symposium, US DOJ, June 2, 2009, Richard Gelles comment.

5 Campbell, J., O'Sullivan, C., Roehl, J. & Webster, D. Intimate Partner Violence Risk Assessment Validation Study. (2005). NCJ 209731. <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=209731>

6 Hilton, N., G. Harris, M. Rice, C. Lang, C. Cormier, and K. Lines. "A Brief Actuarial Assessment for the Prediction of Wife Assault Recidivism: The Ontario Domestic Assault Risk Assessment." Psychological Assessment 16(3) (September 2004): 267-275.

7 Harrell, A., Castro, J., Newmark, L. & Visher, C. (2007) Final Report on the Evaluation of the Judicial Oversight Demonstration: Executive Summary. Washington, DC: US DOJ, NIJ, and The Urban Institute. NCJ 219386, <http://www.urban.org/publications/411498.html>

# PURPLE NEW YORK

## OCTOBER 2009

This past October, the New York State Office for the Prevention of Domestic Violence (OPDV) had the honor and privilege of partnering with more than 110 different entities across New York State – non-profit service providers, private businesses, churches, universities, tourist attractions, chambers of commerce, television and radio stations, state, county and local government agencies, law enforcement, task forces and coalitions, and retail stores – all of which joined with domestic violence survivors and elected officials to “show their purple” during Domestic Violence Awareness Month.

Landmarks across the state were bathed in purple light, among them: Niagara Falls and the Peace Bridge in Western New York, the Empire State Building and 7 World Trade Center in New York City, the Alfred E. Smith Building in Albany, and the historic Whiteface Mountain fire tower in the Adirondack Park.

Other communities participated in creative ways. Downtown Seneca Falls painted a purple stripe and stenciled anti-domestic violence slogans along the sidewalks, as shop owners distributed fliers with information about domestic violence and available services. Schoharie County highlighted the entrances to their towns with purple flag displays, banners – even a snowplow in purple – and police cars and public transportation vehicles displayed purple magnetic ribbons.

### “SHINE THE LIGHT ON DOMESTIC VIOLENCE” IN NEW YORK STATE



**Prominent buildings and structures across the State of New York were bathed in purple during October. This is a small representation. See the box on the next page for a full list of partners and visit the [Gallery](#) on the OPDV Website for more photos.**

# PURPLE PARTNERS

## OCTOBER 2009

1. Adirondack Museum, Hamilton County
2. Albany Law School, Albany County
3. Alternatives for Battered Women, Monroe County
4. Boston Properties
5. Brighter Tomorrows, Suffolk County
6. Bronx Borough President Ruben Diaz, Jr.
7. Bronx Chamber of Commerce, Bronx County
8. Brooklyn Borough President, Marty Markowitz
9. Buffalo State, Erie County
10. Cathedral Community Cares, Manhattan
11. Catholic Charities of Schoharie County
12. Child & Family Services Haven House, Erie County
13. Christian Memorial Church, Albany County
14. Classique Magazine, Albany
15. Cobleskill Police Department, Schoharie County
16. Community Action of Greene County, Greene Co.
17. Community Maternity Services, Schoharie Co.
18. Con Edison, New York City
19. Creative Stage Lighting, Warren County
20. Crime Victims Assistance Center, Broome County
21. CUNY, Baruch College, Manhattan
22. Dept. of Citywide Administrative Services, NYC
23. Downstate Medical Center, State University of NY
24. Empire State Building
25. Empire State Development
26. Mayor of Endicott, John Bertoni, Broome County
27. Family Domestic Violence Services, Ulster County
28. Family Justice Center of Erie County (FJC)
29. ferrys.com
30. First Columbia/Hedley Park Place, Troy, Rensselaer
31. General Federation of Women's Club, Century Club, Montgomery County
32. Genesee Co. Courts Facility, Batavia
33. Genesee Co. Manager's Office, J. Gsell & F. Ciaccia
34. City of Gloversville, Common Council, Fulton Co.
35. Hamilton County Domestic Violence Services
36. Heart of Catskill Association, Greene County
37. Howe Caverns, Schoharie County
38. Hutchinson Metro Center and Joe Simone, Bronx
39. Intrepid Sea, Air & Space Museum, Manhattan
40. Iskalo Development, Buffalo
41. JC Penney at the Manhattan Mall, Manhattan
42. Kings County District Attorney Charles Hynes
43. King of Kings Solutions, Inc., Queens
44. Manhattan Borough President Scott Stringer
45. Mayor's Office to Combat Domestic Violence, NYC
46. A New Hope Center, Owego
47. New York Legal Assistance Group
48. New York Power Authority
49. New York State Bridge Authority
50. NYS Coalition Against Domestic Violence
51. NYS Coalition Against Sexual Assault
52. New York State Consumer Protection Board
53. NYS Department of Correctional Services
54. New York State Department of Labor
55. NYS Department of Taxation & Finance
56. NYS Division of Criminal Justice Services
57. New York State Division of Human Rights
58. NYS Governor's Office of Employee Relations
59. NYS Higher Education Services Corporation
60. NYS Office of Alcoholism and Substance Abuse Services
61. New York State Office of the Attorney General
62. NYS Office of Children and Family Services
63. New York State Office of General Services
64. New York State Office of Mental Health
65. New York State Police
66. Olympic Regional Development Association
67. On A Dime Installations, Orchard Park
68. Open Arms Center Rainbow of Hope, Richmond
69. Orange County Executive, Edward A. Diana
70. The Peace Bridge Authority, Erie County
71. Queens Borough President Helen Marshall
72. The Retreat, Suffolk County
73. City of Rochester, Monroe County
74. Rochester Psychiatric Center, Monroe County
75. Rockland County Community College
76. Rockland County Executive C. Scott Vanderhoef
77. Rockland Family Shelter, Rockland County
78. Safe Homes of Orange County
79. Schenectady Access Cable Council, Inc, Channel 16
80. Schenectady County Probation Department
81. Schoharie Co. Chairman and Board of Supervisors
82. Schoharie Co. Chamber of Commerce & members
83. Schoharie County Department of Social Services
84. Schoharie County Department of Transportation
85. Schoharie Co. Public Transportation Department
86. Schoharie County Town Supervisors and Officials
87. Schoharie County Sheriff's Department
88. Seneca Falls Business Association, Seneca County
89. Silverstein Properties
90. SOS Shelter, Binghamton, Broome County
91. St. Paul's Episcopal Church, Owego
92. SUNY, College at Brockport, Monroe County
93. SUNY, College at New Paltz, Ulster County
94. SUNY, Stonybrook, Suffolk County
95. SUNY, Cobleskill Wellness Center, Schoharie County
96. Staten Island Ferry/NYC Dept. of Transportation
97. Steuben County Department of Public Works
98. Steuben County Legislature
99. Stuyvesant Plaza, Albany County
100. Suffolk County Coalition Against Domestic Violence
101. Suffolk County Executive's Task Force on the Prevention of Domestic Violence
102. Suffolk County Parks Department
103. Suffolk County Police Department
104. Syracuse University, Onondaga County
105. Ulster County Executive, Mike Hein
106. Ulster Co. Interagency Domestic Violence Council
107. Unity House, Troy, Rensselaer County
108. Van Wagner Communications
109. Vera House, Inc., Onondaga County
110. Verizon Foundation
111. Verizon Wireless
112. Victims Information Bureau of Suffolk County
113. Vornado Realty Trust
114. Watervliet Housing Authority, Albany County
115. WSDE AM 1190, Cobleskill, Schoharie County
116. YWCA of Cortland, Cortland County
117. YWCA of Genesee Domestic Violence Program, Batavia
118. World For Life

### ADDITIONAL HIGHLIGHTS:

- On Oct. 14, much of the state workforce wore purple to promote awareness of domestic violence.
- A cell phone drive in partnership with Verizon Wireless took place at all state agencies, with proceeds to benefit victims in New York State.
- All marked New York State Police cars - more than 1,400 - are displaying "Stop Domestic Violence" bumper stickers.
- Organizations around the state held Awareness Days, including providing information for employees,



encouraging staff to wear purple and donating to domestic violence programs.

**This year's partners deemed 2009 a success. Here's what some people said:**

*"One of the most beautiful parts of the campaign were the brilliant purple ribbons that were tied on almost every tree on campus! I am excited about doing more next year!" - Buffalo State*

*"We had a fabulous day on Saturday. 1,040 visitors! The [local domestic violence program] is thrilled to have a venue for their display." - Adirondack Museum*

*"We're proud to turn the Mid-Hudson Bridge necklace lights purple to remind people of the importance of domestic violence prevention." - NYS Bridge Authority*

**Mark your calendars to join us in 2010!**

Visit the ["Shine the Light on Domestic Violence"](#) page on the OPDV website to see the [Photo Gallery](#), the [press release](#) and more.

## Q&A About the Use of Technology in Stalking

*This Q&A was conducted with Erica Olsen (pictured right), Technology Safety Specialist, Safety Net: Safe & Strategic Technology Project, National Network to End Domestic Violence.*



### **Q: What is cyberstalking?**

**A:** Cyberstalking is the misuse of the Internet to stalk and harass someone. Although used frequently, it's important to recognize that the term can be misleading. The term cyberstalking is most useful when it is clearly defined to include the array of technologies and tactics a stalker may be misusing; otherwise, the responses of advocates or law enforcement may not fully address all options.

Saying the "use of technology to stalk" is more accurate since the word "technology" includes a wider variety of tools.

### **Q: What are some technologies that stalkers use?**

**A:** Stalkers can misuse the internet to send repeated emails or instant messages, find a victim's personal or location information, or monitor someone's computer activity through Spyware. Computer monitoring software or hardware can be installed without the stalker ever having physical access to the computer. Stalkers may use hidden cameras to spy on someone's activities or place a GPS tracker on the victim's car to monitor her location. Stalkers might also harass the person by calling or texting numerous times a day.

The technologies stalkers use depend on the kind of relationship they have with the victim and their access to the victim and their property (i.e., house or car).

### **Q: How have social networking sites (i.e., Facebook, Twitter) been used to stalk victims?**

**A:** Social networking sites can be misused to send harassing messages or to post explicit pictures taken with or without the consent

of the victim. Stalkers also impersonate victims, sending inappropriate messages to family members, friends, and co-workers.

In a few cases, stalkers have posted something harassing and threatening online. In one case, a stalker posted a video of himself singing about killing his ex-girlfriend. In court, the judge felt it was a direct threat and grounds for granting an Order of Protection.

Although social networking sites raise many concerns for safety and privacy, they have not been seen as a major vehicle for stalking. We encourage users to make use of privacy features and to be cautious when posting personal information.

### **Q: What are some signs that someone is being cyberstalked?**

**A:** In the majority of stalking cases, the victim will know the stalker and although they might not use the term "stalking" or "cyberstalking" to describe behavior, the stalking activities will be apparent. We encourage victims to trust their instincts regarding how they feel about someone's behavior. It's also important to note if stalking behaviors coincide with anything else, like the person giving a new phone or keyboard as a present or making changes on a family plan phone account. This may help to narrow down what tools the stalker is using. But, it is rare that a stalker would use only technology to stalk. Repeated calls or emails, harassing messages, flowers or notes on a victim's car or at their workplace, or constantly showing up where the victim is, are all common behaviors of stalkers.

### **Q: If someone thinks they are being stalked through technology, what can they do?**

**A:** We always encourage people to trust their instincts. Unfortunately, it is quite easy for stalkers to access technologies and learn how to misuse them. Although what may be happening to a victim can sound strange (i.e., "Someone knows everything I do on my computer."), it is very possible that a stalker is using technology to do this.

If someone thinks they are being stalked, we encourage them to contact an advocate to discuss safety planning. There are many ways that a person can strategically use technology to maintain their safety and keep information away from the stalker. Safety planning can include anything from doing an Internet search for the victim's name to see what information would be available online to the stalker, to having police or a mechanic do a sweep of the vehicle for possible GPS, to talking about privacy features on social networking sites. It's also important to discuss a safe response to the stalking, as removing surveillance equipment or changing email accounts may alert the stalker and possibly increase risk.

Some other steps a person could take include talking to their phone company about blocking calls, opening up and using an alternative email account on a safer computer (one the stalker doesn't have remote or physical access to), and getting an alternative pay-as-you-go phone that the stalker doesn't know about.

There are several helpful handouts on our [website](#) that provide additional safety tips and information.

## Legislative/Legal Update

The Governor's Domestic Violence Program Bill ([Chapter 476](#)), sponsored by Senator Ruth Hassell-Thompson and Assemblywoman Helene Weinstein, was signed into law on September 16, 2009. One provision of the new law, which contains protections for victims of sexual assault committed by a family or household member, will go into effect on December 15, 2009. This new provision designates four low-level sexual assault crimes as family offenses: sexual misconduct, forcible touching,

sexual abuse in the third degree and subsection one of sexual abuse in the second degree. Victims of these crimes will now be able to petition Family Court for orders of protection.

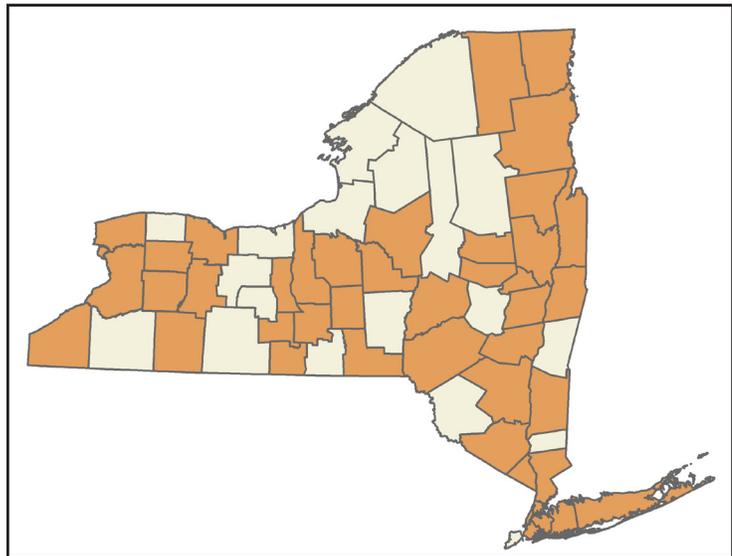
As with other forms of domestic violence, perpetrators may use sexual assault as a means of demeaning, terrifying and controlling their victims. Criminal prosecution is not precluded in these circumstances because concurrent jurisdiction applies. However, in some

cases, the charges may be difficult to prove. The law allows victims to allege these crimes in Family Court, providing an alternative route to securing an order of protection. As family offenses, these orders of protection will be registered on the state-wide registry and perpetrators will be now subject to mandatory arrest laws. Police agencies and Family Courts will now be able to utilize these enforcement tools to enhance both victim and public safety in these cases.

## OPDV Around the State

This map shows the New York State counties (shaded orange) in which OPDV staff conducted trainings/presentations in 2009. These include trainings for: CPS/child welfare, law enforcement, health care, substance abuse, mental health, and local departments of social services. The map shows only the counties where the trainings took place, but often people from other counties attend OPDV trainings.

To see this map in more detail and/or for more information on OPDV's trainings, visit: [www.opdv.state.ny.us/aboutopdv/aroundstate.html](http://www.opdv.state.ny.us/aboutopdv/aroundstate.html)



## Innovative Training Events



Haji Shearer

On October 7, 8, and 9, 2009, OPDV and the NYS Office of Children and Family Services (OCFS) co-sponsored three regional forums entitled *When Child Abuse and Domestic Violence Intersect: Tools to Engage the Family*. The forums were held in Buffalo, Syracuse, and White Plains and were open to CPS and child welfare workers and domestic violence service providers. Over 150 people attended the full-day forums which covered topics such as how to engage fathers in the child welfare system and treatment vs. accountability for abusers. Speakers included Alisa Del

Tufo, Founder of Threshold Collaborative in Southern Vermont; Haji Shearer, Director of the Fatherhood Initiative at the Massachusetts Children's Trust Fund; and Gwen Wright, Director of Human Services and Prevention at OPDV.

On November 17, 2009, OPDV and the NYS Division of Criminal Justice Services (DCJS) co-sponsored *Reducing Domestic Violence: Coordinated Strategies for Operation IMPACT Executives*, a full-day conference held in Saratoga Springs, to assist [Operation IMPACT](#) jurisdictions with the development and enhancement of domestic violence strategies. Over 160 executive level criminal justice officials attended.

The conference featured national experts Andy Klein, Ph.D., from Advocates for

Human Potential, Inc. in Sudbury, MA, and Paul Dedinsky, from the Milwaukee, WI County District Attorney's Office. Topics covered included implications of current domestic violence research for law enforcement, interpretation of domestic violence statistics for crime analysts, and prosecuting witness tampering and battering from behind bars. The conference also included presenters from IMPACT jurisdictions around the state.

Visit OPDV's webpage for [conference information and materials](#).



OPDV's Bob Passonno and Andy Klein

NYS Office for the Prevention of Domestic Violence [www.opdv.state.ny.us](http://www.opdv.state.ny.us)

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